

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF JAMES ) APPEAL NO. 07-A-2036  
THOMAS from the decision of the Board of ) FINAL DECISION  
Equalization of Fremont County for tax year 2007. ) AND ORDER

**RESIDENTIAL PROPERTY APPEAL**

THIS MATTER came on for hearing Wednesday, October 24, 2007, in St. Anthony, Idaho before Board Member David E. Kinghorn. Board Members Lyle R. Cobbs and Linda S. Pike participated in this decision. Appellant James Thomas appeared. Assessor Kathy Thompson appeared for Respondent Fremont County. This appeal is taken from a decision of the Fremont County Board of Equalization (BOE) modifying the protest of the valuation for taxing purposes of property described as Parcel No. RP 000790100770 A.

**The issue on appeal is the market value of a residential property.**

**The decision of the Fremont County Board of Equalization is affirmed.**

FINDINGS OF FACT

The assessed land value is \$30,000, and the improvements' valuation is \$23,490, totaling \$53,490. Appellant requests the land value be reduced to \$12,500, and the improvements' value be reduced to \$21,720, totaling \$34,220.

The subject property is a .25 acre lot improved with a cabin, located in Fremont County.

Appellant discussed the issues of being denied a hearing by the BOE. The Board will not address this issue as it is outside our jurisdiction.

Appellant described subject improvements' as a cabin with no water, sewer, or power.

The Taxpayer argued the County has not proven the values of subject are fair and equitable. It was asserted the sales presented by the County were not in subject's neighborhood and therefore could not be comparable properties. Appellant suggested the neighboring lots had

lower assessed values.

The Taxpayer discussed a sale for \$12,500 that took place in subject's neighborhood, but, no details were offered.

Respondent explained the neighboring properties are uniformly assessed. It was further mentioned properties which have septic systems and wells are assessed an additional \$4,000. It was discovered subject did not have a septic and therefore a reduction of \$4,000 was made to the assessed value.

The County presented a land value study with 14 improved and unimproved sales. The land sized ranged between .18 and .50 acres, with sale prices which ranged between \$6,000 and \$215,000. Respondent further discussed two of the bare land sales presented and noted two sales which occurred in 2006 were .25 acre lots which sold for \$29,900 each.

The County maintained it was mandated to assess property at market value each year to be in compliance with State law.

### CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

For taxation purposes, Idaho requires that property be valued at "market value":

"Market value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Appellant contested the large increase in assessed values for subject. Idaho statutes do

not limit the amount of increase or decrease in assessed value each year. The law requires property be assessed at current market value annually. Idaho Code § 63-205(1).

Appellant did not submit supporting evidence on the sale that was offered at hearing. No market value data was presented to support the requested reduction in assessed value.

The County arrived at subject's value through mass appraisal practices. Sales were presented in support of subject's assessed value.

A property valuation for taxation purposes, as determined by an assessor, is presumed correct and the taxpayer has the burden of proof to show, by a preponderance of the evidence, an entitlement to relief. Merris v. Ada County, 100 Idaho 59, 64, 593 P.2d 394, 399 (1979).

No error in the assessed value of subject has been demonstrated by Appellant. The subject value increased significantly, however the increase was based on sales. Therefore, we will affirm the decision of the Fremont County Board of Equalization.

#### FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Fremont County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

MAILED APRIL 30, 2008